Supreme Court, U.S.
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No. 01-1684

IN THE

Supreme Court of the United States

CRISANTO MENDONCA,

Petitioner,

v.

JOSEPH MEDEIROS and JAMES E. KILDUFF, INC.,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

BRIEF IN OPPOSITION

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STATEMENT OF JURISDICTION

The Respondents contend that this Court is without jurisdiction to review the matters raised in this petition and object to the Petition for a Writ of Certiorari.

STATEMENT OF CASE

The Respondents object to Petitioner's statement of the case as said statement refers to matters outside the record, and includes references to legal issues not properly before this Court. This is the second Petition to this Court, the first beng denied on October 2, 2000.

The Petition appears to be asking this Court to grant post-judgment relief in a State Court motor vehicle tort action.

As stated in the Brief in Opposition to Plaintiffs first Petition for a Writ of Certiorari,

The initial cause of action arose out of a May 15, 1992 or May 18, 1992 motor vehicle incident involving the Petitioner and Respondents. Suit was filed in the Massachusetts State Court and tried to a jury verdict in favor of the Respondents and Judgment on the jury verdict was entered in favor of the Defendants on July 30, 1997. Thereafter, the Petitioner sought appellate review of the case through the Massachusetts State Court System with the original judgment being affirmed at each stage. Petitioner then sought review of the judgment in the Federal Court. The United States District Court, First Circuit sitting in Boston, Massachusetts held that the District Court lacked subject matter jurisdiction, as the federal action was barred by the doctrine of res judicata. Petitioner sought review of that decision in the United State Court of Appeals for the First Circuit which Court affirmed its District Court decision.

Petitioner then filed his first Petition for a Writ under Docket No. 68. Petitioner claimed he was denied due process in the state and lower Federal Courts. Upon denial of that writ, he sought relief in the International Court of Justice which did not respond. Petitioner has now filed again in this Court.

REASON FOR DENYING THE WRIT

I. Petitioner raises no argument cognizable under Federal Law.

There is no Federal question at issue here. The Petitioner is merely seeking a new trial because he is dissatisfied with the decision of the State Court jury, he has exhausted every avenue of appeal in both the state and federal court systems. When the International Court of Justice did not respond, he filed this instant petition.

CONCLUSION

As stated in Respondent's Brief in Opposition to Petitioner's first Petition for a Writ of Certiorari, which was denied October 2, 2000, there was no error in the First Circuit's decision on the jurisdictional issue. In the words of the United States Court of Appeals for the First Circuit in Action No. 99-1879 on February 8, 2000, "the Federal Courts simply have no jurisdiction to review the State Court's decision, no matter how inadequate appellant (Petitioner) claims they may be . . ." and Petitioner can demonstrate no basis, cognizable by this Court, that is not merely a challenge of ". . . the State Court's decision to deny him recovery for his injuries."

For the foregoing reasons, Respondents respectfully request this Court deny the Petition.

Respectfully submitted,

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